

OPEN MEETING COMPLIANCE BOARD OPINIONS

TOPICAL INDEX

July 1, 1992 through September 2014 [through 9 OMCB Opinions 167]

HOW TO USE THIS INDEX: THE SPECIFIC TOPICS THAT APPEARED ALPHABETICALLY IN THE OLD INDEX ARE NOW SUBTOPICS OF THE 7 BROAD TOPICS LISTED BELOW. TO FIND THE INDEX OF THE OPINIONS FOR A PARTICULAR TOPIC OR SUBTOPIC, GO TO THE **TOPICAL INDEX OUTLINE** AND CLICK ON THE TOPIC OR SUBTOPIC. THE OPINION LINKS IN THE INDEX ITSELF WILL LEAD DIRECTLY TO THE OPINION, OR, FOR OPINIONS IN VOLUMES 1-3, TO THE VOLUME WHERE THE OPINION CAN BE FOUND BY ITS DOCKET NUMBER. IF A LINK HAS NOT BEEN SUPPLIED YET OR DOES NOT WORK, THE OPINION CAN BE FOUND BY GOING TO THE VOLUME LISTED FOR THAT OPINION AND SCROLLING THROUGH TO THE PAGE. FOR NEWER OPINIONS THAT HAVE NOT BEEN INDEXED YET, GO TO THE MOST RECENT VOLUME, POSTED AT [HTTP://WWW.OAG.STATE.MD.US/OPENGOV/OPENMEETINGS/BOARD.HTM](http://www.oag.state.md.us/opengov/openmeetings/board.htm). THE OPINIONS ARE ALSO **SEARCHABLE**.

BROAD TOPICS:

- [1: DOES THE ACT APPLY?](#)
- [2: DID THE PUBLIC BODY GIVE “REASONABLE ADVANCE NOTICE” OF THE MEETING?](#)
- [3: WAS THE MEETING CONDUCTED IN THE OPEN?](#)
- [4: IF THE MEETING WAS CLOSED TO THE PUBLIC AND WAS SUBJECT TO THE ACT, DID THE TOPICS DISCUSSED FALL WITHIN ONE OF THE 14 EXCEPTIONS THAT PERMIT A CLOSED MEETING?](#)
- [5: BEFORE CLOSING A MEETING SUBJECT TO THE ACT, DID THE PUBLIC BODY MAKE THE WRITTEN DISCLOSURES REQUIRED BY THE ACT AND VOTE PUBLICLY TO EXCLUDE THE PUBLIC?](#)
- [6: DID THE PUBLIC BODY PREPARE AND RETAIN THE MEETING DOCUMENTS REQUIRED BY THE ACT?](#)
- [7: WHAT IS THE COMPLIANCE BOARD’S ROLE?](#)

STATUTORY CITES: ALL STATUTORY CITES ARE TO THE GENERAL PROVISIONS ARTICLE OF THE MARYLAND CODE. BEFORE OCTOBER 1, 2014, THE OPEN MEETINGS ACT APPEARED IN THE STATE GOVERNMENT ARTICLE. BOTH VERSIONS OF THE ACT ARE POSTED AS APPENDIX A TO THE OPEN MEETINGS ACT MANUAL.

JUDICIAL OPINIONS: THIS INDEX DOES NOT INCLUDE OPINIONS ISSUED BY THE MARYLAND COURTS. THE REPORTED OPINIONS OF MARYLAND’S APPELLATE COURTS TAKE PRECEDENCE OVER COMPLIANCE BOARD OPINIONS, WHICH ARE ADVISORY. THE COMPLIANCE BOARD APPLIES THE PRINCIPLES SET FORTH BY THE APPELLATE COURTS.

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
1. Does the Act apply? (any “meeting” of a “public body,” unless the Act expressly excludes the “function” being performed: Sections 3-301 and 3-102; terms defined in section 3-101)			
A. PUBLIC BODY: Section 3-101(h)¹			
1. Generally			
Committees required by formally adopted policy	7		21
Committees appointed by officials subject to Governor’s policy direction	7		64

¹ Caution: The General Assembly broadened the definition of “public body” in 2004, *see 4 OMCB Opinions 132* (2005), and 2009, *see 7 OMCB Opinions 64* (2010), and a particular class of school-board related entities was added in 2013. Pre-2004 opinions in which the Compliance Board concluded that a group was not a public body should be checked for validity under the current definition of “public body” in § 3-101.

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Fact that entity performs quasi-judicial functions irrelevant to public body status	7		186
Library board: covered by Act as well as Education Article provision about meetings	5		70
Method by which committee was created: parent body should find the history	8		46
	9		83
Pen Mar Development Corporation: exempt from some, but not all, provisions of the Act	4		88
Receipt of public funds: irrelevant to public body status	1	96-11	186
	1	97-3	212
Status of entities performing functions belonging to the public body status depends on facts	7		195
Subcommittee created by formal instrument	7		176
 2. Determined to be a public body:			
Board of legislatively created corporation, intended by the General Assembly to be a governmental entity	1	97-3	212
Boundary Study Committee mandated by Local Board of Education policy	7		21
Committee appointed by Board of County Commissioners	7		76
Committees comprising residents appointed by resolution of city council	1	94-4	69
Committee created by MOU adopted by council resolution	9		94
Committee created by town council's resolution	9		92
	9		151
Panel of Critical Area Commission	5		189

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Peer Review Group appointed by Transportation Secretary	7		118
State Biosolids (Sewage Sludge) Task Force	5		182
Subcommittee created by legal instrument	7		176
Three-judge panel	7		186
Town council members despite their role as heads of departments	3	00-7	26
3.Determined not to be a public body:			
Advisory committee appointed by county parks director	3	03-15	325
Advisory group to county planning board, informally created	4		132
Advisory committee appointed by Attorney General	7		170
Board of Baltimore Area Convention and Visitors Association	1	96-14	196
	3	03-7	284
Board of directors of private, non-profit hospital	1	92-2	6
City, county, or school board staff members	1	92-2	6
	2	98-8	27
	2	99-2	37
Committee that carries out pre-application review process identified in local law	3	00-9	36
Committee created by a commissioner, acting alone	9		103
County department heads and county commissioners in a county in which commissioners are executive head of county government	1	93-10	50
Environmental Assessment Committee of the Baltimore County Public Schools	4		84

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Individual hearing examiner holding hearing on behalf of zoning board	1	96-8	175
Individual hearing examiner	7		186
Informally created committee appointed by Library President	7		105
Informally created committee	7		268
Informally created committee consisting of two jurisdictions' officials	2	98-2	5
Informally created subgroup established by single council member	6		155
Information sessions held for State employees	9		53
“Management Committee” formed pursuant to memorandum of Agreement (<i>see also 9 OMCB Opinions 94</i>).	5		194
Management committee informally established by executive director of the Baltimore Metropolitan Council	6		17
Maryland Public Secondary Schools Athletic Association - (<i>superseded by 2013 amendment to §10-502(h)</i>)	4		43
Municipal officials and individual members of city council	1	93-6	35
Neighborhood association controlled by lot owners	8		118
Political party central committee	3	03-6	278
Procurement panel put together by staff	8		73
Private group formed by members of the public	8		73
Private, voluntary association of public officials and others	1	95-4	120
School redistricting committee created by superintendent without school board action	7		69
	9		81

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
School board committee created only by president	9		149
Student government association at public college	2	99-1	35
Subcommittee created informally by one member of the public body, if it does not perform the public body's function	7		284
Subcommittees not formally created	1	94-4	69
	2	99-1	70
	7		176
	7		284
Subcommittees of Maryland Bicycle and Pedestrian Advisory Committee	6		140
Wicomico County Council and county department heads	1	97-16	261
 B. "MEETING": Section 3-101(g), (k)			
 1. Generally:			
Survey of members without convening a quorum : not covered by Act	6		57
Meeting of quorum of Article 25 Commissioners with cabinet members	7		225
Participation by commissioners in party central committee meeting	3	03-6	278
Public body's consideration of public business in meeting of entity that is not a public body	1	92-2	6
	1	94-9	104
	1	95-4	120
	1	95-10	142
	1	96-3	157
	1	96-10	183
	2	98-8	27
	9		94
Walking quorum exception to quorum requirement	8		56

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
2. Determined to be a meeting:			
Accidental quorum attending another public body's meeting on matters before both	7		92
Announcement, by chairman, at social gathering of planned Process for handling topic	3	01-2	78
Convening of "accidental quorum" to receive briefing	3	00-8	30
	7		85
Convening of quorum at event initiated and sponsored by the public body to discuss public business	8		19
Convening of quorum of council during course of informally designated subgroup meeting	6		155
Convening of quorum of public body at committee meeting	8		8
	9		83
Convening of quorum for purpose of informal identification of consensus about an issue	3	01-2	78
Convening of quorum with Governor's staff during legislative session	5		28
Discussion of public by quorum participating in radio show	9		40
Discussion of means of discerning resident's reaction to annexation proposal	4		168
Future meeting agenda discussion	3	01-2	78
Information-gathering at the earliest stages of policy formulation	1	93-2	23
	1	93-6	35
	1	95-7	129
	1	97-2	206
Initial meeting of advisory board	5		60

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Opportunity for a public body's quorum to explore issues as a group and exchange comments and reactions	2	98-2	5
Presence of quorum of town council at meeting with library trustees concerning funding request	7		85
Retreat at which matters of public business were discussed	3	01-10	122
Social gathering and chance encounter exception, not applicable when used to discuss public business	7		269
Training session focused on particular public body's practices	5		33
3. Determined not to be a meeting:			
Attendance by quorum at another entity's meeting, when members only gave welcoming remarks and less than a quorum remained	7		76
Attendance at another entity's meeting at which the public body's own business was not considered	3	03-012	310
	7		105
Breakfast gathering before an open meeting at which public business was not conducted	3	03-2	257
Budget retreat called by Mayor at which council members attended	3	02-14	242
Celebratory dinner following swearing in of officials at which public business not considered	5		93
Chance social encounter not used to discuss public business	7		269
Conference in which each board member participated in a separate small group discussion	3	01-17	150
Conversation among quorum limited to personal information or social "small talk"	1	95-7	129
	2	99-5	45
Dinner attended by quorum, conversation limited to social matters	3	02-11	224
	4		58
	7		193

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	7		176
Gathering limited to effort at improving interpersonal relations	3	03-5	274
Informal gathering before a meeting or during a break, so long as no discussion occurs about meeting topics	1	94-6	92
	1	95-6	127
	1	96-3	157
	8		99
In the absence of a quorum, circulation of form requesting agenda items or staff actions	8		103
Lack of evidence that public body met to conduct the business of its wholly owned private corporation	7		282
Members-elect not considered in calculating a quorum	5		93
Quorum not present or convened	1	94-8	101
	1	94-10	107
	1	95-10	142
	1	96-1	151
	1	97-4	218
	1	97-12	248
	1	97-13	250
	2	99-5	45
	2	99-6	49
	3	01-4	92
	3	02-5	191
	4		51
	4		114
	5		93
	6		57
	7		21
	7		176
	7		186
	7		193
	7		269
	7		272
	7		282
	8		8
	8		56

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	9		55
	9		149
Retreat limited to discussion of interpersonal relations and social conversation	6		63
School Board's attendance at County Council meeting for Sole purpose of answering questions	6		77
Separately-held telephone calls	7		176
Social event with general topical presentation	1	97-7	227
Social event at which public business is mentioned only briefly and in passing and is not discussed	2	98-2	5
	2	99-13	74
	2	99-16	80
Training session limited to general topics	5		33
 C. ADMINISTRATIVE FUNCTION EXCLUSION: Sections 3-101(b), 3-103(a), 3-104(c) (formerly "executive function")			
1. Generally			
2-part test, summarized	5		42
	9		1
Applicability to personnel matters often unclear	9		110
2. Within exclusion, discussion of:			
Acting pursuant to municipal charter, selection of clerk-treasurer	6		53
Acting pursuant to statute, appointment of planning board members	6		57
Administration of existing leave policy	1	96-5	166

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Administration of existing expense policy	8		89
Administrative and budgetary matters by community college board	4		28
Administrative and housekeeping matters re school system	3	00-10	39
Administrative matters by municipal planning commission	1	92-3	10
Administrative matters by Wicomico County Council	3	02-10	218
Agreement to dismissal of lawsuit filed against county council, absent any reconsideration of council's prior policy decisions	4		67
Appointment by county commissioners to fill planning commission vacancy	2	99-5	45
Appointment by school board of interim superintendent	1	95-5	123
Appointment by town council to fill council vacancy	1	97-14	252
	9		29
Audit report, manner in which it would be released	3	00-15	67
Application of existing law to claims against fund administered by the public body	8		115
Attendance of council members at function	7		269
	8		89
Briefing to school board by superintendent on contract, solely for informational purposes	6		145
Budgetary administration not involving proposal to amend budget	1	93-2	23
Budget preparation and department head meetings by Wicomico County Council	3	01-17	4
Budget preparation, financial oversight, and investment decisions by Pratt Library Finance Committee	3	01-10	122

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Choice of newspaper for legal advertising	1	96-13	195
Complaint against electrician by regulatory board	1	92-4	13
Complaint against licensee by regulatory board	5		102
Consideration of motion to unseal minutes of closed session	5		105
Construction of barrier between elementary school grounds and adjacent retail property	3	00-12	53
Council's discussion about committee assignments	7		142
	7		216
Department heads' modes of communications with members, if policy issues not involved	8		9
Dismissal of employee	1	96-5	166
Effect of cuts in state aid to counties	1	93-2	23
Evaluation of school superintendent's performance	1	95-5	123
	3	01-18	159
Exercise of supervisory authority over town manager's preparation of compensation and benefit plans	2	98-7	24
Existing collective bargaining agreements	4		104
Future budget options	2	99-10	64
Hearing by municipal ethics commission on alleged ethics violation	1	93-4	30
Hospital management issues when county commissioners have oversight responsibility over hospital	9	2-2	6
Interpersonal relations among commissioners	8		89
Interview process for filling school board vacancy	4		182

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Investigation of patient complaints under existing policies	7		250
Issuance of check to implement prior decision	9		78
Management issues under existing program and information briefing on possible future budgetary impacts	3	02-9	211
Merging of county and city purchasing departments under current law	1	97-15	255
Open Meetings Act procedures	5		33
Overseeing audit staff, to the extent that the discussion involves current operation, not future policy	8		107
Oversight of election board performance	2	98-1	1
Payment of bill under current budget	4		197
Personnel grievance hearing	4		76
Preliminary budget matters between department heads and County Council	1	97-16	261
Press release about a controversial city event	1	95-8	133
Press release about employee's resignation	9		110
Procedure to regulate public comments by members of a public body	1	97-8	233
Proposed development on border of municipality	3	00-4	13
Relationship between existing sewer connection ordinance and prior sewer maintenance agreement with landowner	3	00-7	26
Remedies for breach of franchise agreement	5		7
Remedies in enforcing loan agreement	1	95-7	129
Request for appointment of counsel and payment of fee	4		197

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Review of line items in existing budget when future policy not discussed	8.....		89
School board's discussions of internal school system audit	6.....		23
School board's election of its own chair	7.....		101
School board's review of ethics panel recommendation	5.....		121
Signing documents and letters not requiring decision-making	7.....		225
Solicitation of advice from colleagues by town council member who had certain administrative responsibilities	2.....	98-6.....	21
Specific schools eligible for reconstitution by State Board of Education	3.....	01-11.....	127
Staging of work under existing contract	9.....		151
Superintendent briefing to county board of education on matters that did not involve Board policy	7.....		69
3. Outside Exclusion, discussion of:²			
Advice or recommendations to be given pursuant to statute	7.....		250
Amendment to inter-governmental agreement	3.....	02-10.....	218
Article 25 Commissioners' meeting with department heads when topics involve policy or legislation	7.....		225
Briefing of school board on contract matter if board's consent subsequently required	6.....		145
Changes in law to achieve merger of county and city purchasing departments	1.....	97-15.....	255
Composition of local management board	3.....	02-3.....	182

² See also the other "functions" topics; if the activity falls within one of those functions, it is *not* an administrative function. Section 3-101(b)(2).

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Contract amendment	1	95-5	123
Contract negotiation	4		127
County department reorganization or consolidation	6		180
Creation of a citizens' committee	7		264
Department consolidation or reorganization	6		180
	7		216
Developer's proposal to buy property and convert it to low-income housing	2	99-16	80
Discussion with potential contractor	4		168
Effect of annexation agreement on proposed zoning ordinance	4		127
Franchise reassignment	5		7
Hiring lobbyist to oppose legislation in General Assembly before adopting resolution to take that position	7		131
Issuance of quitclaim deed	6		35
Law enforcement matter beyond public body's jurisdiction	5		42
Lease of real property to another entity	7		208
	7		245
Licensing matters	7		250
Matters falling within advisory and quasi-legislative functions	9		1
Mission of library	3	01-10	122
Municipal governance – general topics	3	02-12	227
Municipal governance issues in wake of charter amendment	3	02-11	224
Pay adjustment process	5		76

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Personnel matters within jurisdiction of another public body	4		188
Petition drive within special tax district	1	94-7	96
Policy about attendees' desire to address public body	1	95-2	113
Preliminary aspects of policy and contractual matters	4		28
Procedures for school board's recommendation to Governor about board vacancy	4		163
Proposed City budget amendments	9		83
Receipt of information on land-use matters; briefing on matters as initial step in policy formation	7		225
Resigning school superintendent's waiver of part of salary	3	01-18	159
Review of staff's proposed budget by library board committee	1	97-7	227
Setting standards for regulated entities	7		250
Town council's position on General Assembly bill to authorize county tax	4		12
Transportation issues not administered by public body	5		60
 D. ADVISORY FUNCTION: Section 3-101(c)			
Authority of group derived from department head, not from law or Governor:	5		60
Discussion of recommendations to make pursuant to regulation	7		250
Formulation of recommendations under delegation by parent public body	9		1
	9		92

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
E. JUDICIAL FUNCTION: Sections 3-101(e), 3-103(a) [no opinions]			
F. LEGISLATIVE FUNCTION: Sections 3-101(f)			
1. Within function, discussion of:			
Briefing about proposed city ordinance	1	93-6	35
County council's position on General Assembly bill to authorize county tax	4		12
Positions on legislation	7		186
2. Outside function, discussion of:			
Making an appointment, rather than approval of a proposed appointment	1	95-5	123
Town council's position on General Assembly bill to authorize county tax	4		12
G. LICENSING AND PERMITTING MATTERS: Section 3-103(b)			
Regulatory body's conduct of occupational licensing examination	1	92-4	13
Regulatory body's certification of program	7		250
H. MATTERS NOT FALLING WITHIN A DEFINED FUNCTION			
Activity by public body that falls within none of the defined functions: covered by the Act	1	94-7	96
	1	94-10	107
	1	95-2	113
	5		60

I. QUASI-JUDICIAL FUNCTION: Sections 3-101(i), 3-103(a)**1. Within the function:**

Animal control commission proceeding to determine dangerousness of dog	3 .....03-3 .....260
Animal control commission proceeding on ordinance violations	7 .....89 7 .....186
Appellate role of city council in dispute over referendum petition	2 .....98-1 .....1
Determination subject to certain judicial review provisions	8 .....115
Personnel grievance hearing, if subject to certain judicial review provisions	4 .....76
Process as well as the act of approving, disapproving or amending a budget	91

2. Outside the function:

Report on amount and allocation of reserve funds, not involving budget amendment	4 .....104
Individual actions of presiding officer: not covered by the Act	2 .....99-1270

J. QUASI-LEGISLATIVE FUNCTION: Sections 3-101(j)

Amendment of employment contract	1 .....95-5 .....123
Budget review by county legislative body	1 .....93-8 .....44 1 .....97-2 .....206
Franchise reassignment	5 .....7 5 .....200
Review of staff's proposed budget by library board committee	1 .....97-7 .....227

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
K. ZONING MATTERS: Section 3-103(b)			
Permissible use of mobile homes on certain lots	3	02-3	182
Planning	1	92-3	10

END OF TOPIC #1

2. Did the public body give “reasonable advance notice” of the meeting? Sections 3-102(c), 3-303

A. NOTICE REQUIREMENT, GENERALLY

Failure to provide notice: violation	3	01-5	96
	5		1
	7		15
	7		274
	8		182
	9		40
	9		99
	9		103
Notice of cancelled meeting: may be omitted if notice of meeting had not been given originally	3	01-19	164
Notice required in advance of conference call: dependent on whether quorum could be anticipated or in fact occurred	6		17
Notice required of scheduled meeting even if quorum does not in fact convene	3	03-13	314
	5		1
	7		21

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Notice required for parent body and committee when quorum of parent attends committee meeting	8		76
Notice required despite fact that media has learned of the meeting	8		137
B. CONTENT			
Agenda: not required	1	92-5	16
	1	94-4	69
	1	95-1	110
	2	98-9	31
	2	99-7	52
	3	02-2	173
	3	03-4	264
	3	03-10	303
	4		168
	5		117
	6		110
	6		196
	8		1
Anticipated closed session: should be included	3	00-3	8
	9		57
Announcement of tentative date: insufficient when public is given no means of confirming it	8		76
Closed session not anticipated until shortly before meeting: Failure to reflect in notice not violation	5		165
Explanation of why meeting is expected to be closed: not required	3	02-6	197
	5		105
Failure to provide public notice of method of publication	8		76
Notice of closed meeting must specify that the vote to close will be held in open session	8		89
Notice must specify location of meeting	8		89

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Notice of meeting to perform functions within the Act should be updated when public body instead decides to meet only to perform administrative functions	8		89
Notice that entire session will be “executive” or “closed” insufficient when Act applies	9		1
	8		150
Notice to convey that public may observe the public body’s vote to close a meeting under §10-508	8		182
Notice suggesting that event involves less than a quorum of the members insufficient when presence of a quorum could be expected	9		103
Omission of name of public body and place of meeting: violation	4		51
Omission of time or place of meeting or both: violation	4		155
	4		168
Omission of date, time, place in website posting	8		111
One-time publication of schedule of anticipated meeting times, if coupled with posted notice of each meeting: permitted	1	94-4	69
Prince George’s County Council: role as district council need not be specified	2	98-9	31
Revision of prior meeting notice to reflect closed session: not required when need not anticipated until shortly before meeting	3	03-9	297
	9		141
Variation from published agenda: not a violation	5		117

C. FORMAT

Absent special circumstances, written notice required	7		42
---	---	--	----

D. METHOD**1. In General**

Absent special circumstances, written notice required [742](#)

Best feasible notice required for emergency meetings [846](#)

2. Practices permitted

Announcement of future meeting at open meeting attended by
press when reasonable [193-533](#)
[428](#)
[4155](#)

Announcement at public meeting coupled with written notice to
press [302-4188](#)

Failure to post in newsletter when newsletter not published
and other methods were used [7259](#)

Information provided to public via generally distributed
newsletter and posted agenda [302-6197](#)

Multiple channels of distribution [303-4264](#)
[9146](#)

Newspaper advertisement and public posting [301-14143](#)

Notice via cable television if public is informed and if a written
version is available [196-5166](#)

Notice to press and others at open session of intention to hold
unanticipated closed session [302-15245](#)

Notice via some legally sufficient method sometimes valid
even if it differs from routine method [*but see* sub-topic#3 below] [69,](#)
[7237](#)

Notice via state agency's press release [298-827](#)

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Notice by task force affiliated with State agency via agency's website calendar	6		15
Notice to newspaper that is the primary source for reporting on government activities in community	6		32
Obscure location of notice on website not a violation when other method used	7		259
Omitting notice of meeting cancellation when meeting is cancelled because quorum fails to attend	3	02-4	188
Omitting notice to reporters if another means of notice has been provided	1	97-9	237
Oral announcement of legislative committee's immediate meeting during last few days of General Assembly session	4		147
	7		42
Posting in a single location if public is told of the practice	1	92-3	10
	1	93-4	30
	2	98-5	18
	2	99-17	84
Posting outside of town hall	6		196
Proper written notice adequate despite misinformation allegedly provided by staff member to one member of public	5		117
Public body has discretion in selecting appropriate media outlet	6		164
Public body that had previously provided notice via website did not incur new obligations under 2007 legislation	6		41
Posting on website	8		150
3. Practices in violation			
Failure to deliver notice to news media	4		8

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to notify public of canceled meeting	1	96-11	186
Failure to provide notice of “continued” meeting	5		184
Failure to provide written notice when meeting not scheduled under exigent circumstances	8		76
Failure to give notice, or, if given, to retain copy for one year	8		188
Failure to retain copy for one year	6		89
“Informed verbal” notice	4		140
No notice given by committee	7		274
Notice to public body members only	3	01-4	92
	4		178
Notice provided to only those requesting notice	7		18
Notice only to persons on a notification list	7		18
	9		37
Oral announcement at parent body’s meeting insufficient	8		76
Posting in a location not described previously to public	4		88
Posting in town hall insufficient when public body usually supplemented that method with others	7		237
Posting on office door inside office building insufficient when public was last notified of the method 8 years ago	8		111
Posting at town office when regular meeting date changed to earlier date	7		237
Staff’s clerical error resulting in failure to post notice	1	93-8	44
Sudden change from usual methods	7		237
Use of website alone when meeting called on short notice	9		110
	9		125

E. TIMING**1. Generally**

One-day notice not permissible when public body knows earlier of the need to meet	8 .....76
Original and revised notices must be timely	3 .....01-3 .....58
Prompt scheduling of meeting does not excuse failure to provide notice	1 .....96-10 .....183
Public must be informed when time of meeting is changed	2 .....99-7 .....52 7 .....237
Scheduling of meeting on short notice requires best public notice feasible under the circumstances	1 .....93-7 .....38 2 .....98-3 .....11 2 .....99-3 .....39 7 .....259 7 .....92 7237

2. Practices permitted

Deciding that meeting is needed on short notice	4 .....51 5 .....139
Late notice to news media when other forms of notice given earlier	3 .....00-13 .....58
Meeting continued following night - announced during prior day's session and posted next day	5 .....139
Notice advertised two business days in advance of meeting if promptly provided on scheduling of meeting	5 .....83
Notice given soon after scheduling of meeting for next day	4 .....12
Notice of Tuesday meeting posted on preceding Friday	4 .....99
Notice of Wednesday meeting posted on preceding Friday	2 .....98-5 .....18

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Notice provided 5-6 days before meeting, absent any evidence suggesting intentional delay	6		85
	6		110
	8		150
Notice to press and others at open session of intention to hold unanticipated closed session	3	02-15	245
Oral announcement of legislative committee's immediate meeting during last few days of General Assembly session	4		147
Same-day notice of urgently called meeting	1	96-11	186
	5		42
	6		1
Posting notice 6 days before meeting, coupled with announcement at prior meeting	6		47
3. Practices in violation			
Failure to give timely public notice	4		6
Providing notice only 24 hours before meeting if public body had known of relevant statutory deadline requiring action	5		139

END OF TOPIC #2

3. Was the meeting conducted in the open? Sections 3-102, 3-301, 3-303, 3-304, 3-305(d)

A. GENERALLY

Accommodation of people with disabilities	1	97-9	237
	1	97-11	245
	3	02-13	233

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Entire discussion of open session matter, from beginning to end, must be in open session	1	94-5	73
	1	96-4	162
Manner in which a public body makes decisions at an open session: outside the Act	1	92-5	16
No violation when alleged discussion of policy matters did not occur	8		95
Open meeting must be conducted in a manner that, as a practical matter, does not exclude public	1	94-6	92
	1	96-4	162
	6		127
Reopening meeting following erroneous closing required good-faith effort to notify public and press of changed situation	3	01-8	115
Violated by excluding public	8		137
Meeting about “budgetary concerns” to be open unless Act expressly provides otherwise	9		1
B. PRACTICES PERMITTED			
Brief delay in permitting access by camera crew	1	96-8	175
Ceasing discussion immediately of newly raised topic that is not permitted to be discussed in closed session	1	95-3	117
Choice of conference room for meeting	3	01-9	118
Denying public access to document distributed to members at meeting	2	99-15	78
Disallowing public comment	1	97-7	227
	4		140
	8		84
	9		146

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
For conference call meeting, enabling the public to listen by speaker phone	8		111
Holding a meeting at a restaurant, without charge	8		111
Holding closed session in another room	9		57
Open meeting in conference room after closed session	1	97-6	224
Open meeting in conference room prior to open session in regular meeting room	5		50
Posting of notice that legislative committee is holding a voting session	4		147
Regulating location of cameras set up in hearing rooms	5		154
Rescheduling meeting to larger site	4		155

C. PRACTICES IN VIOLATION

Access by invitation only	7		49
Charging admission	8	19	19
Conducting discussion after announcing adjournment of open session	1	96-4	162
	1	96-9	178
	5		14
	5		76
Conducting discussion during announced recess	4		63
Conducting discussion in advance of scheduled meeting	5		81
Discussing matters, in a closed session, beyond those identified in advance	6		1
	9		29
Excluding reporters from meeting open to the public	2	99-11	67

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to provide notice to general public	4	.....	178
	6	.....	32
Meeting in a room off-limits to the general public	4	.....	147
Meeting at location not open to the public	8	.....	188
Prohibiting audiotaping of discussion by advisory group	5	.....	60
Prohibiting videotaping by individual not affiliated with the news media	5	.....	22
Prohibiting videotaping of audience at meeting	1	.....95-9	.....137
Prohibiting videotaping even if public body makes transcript of meeting available	3	.....03-21	.....356
Session of county council held without notice and in an unusual meeting place	1	.....93-8	.....44

END OF TOPIC #3

4. If the meeting was closed to the public and was subject to the Act, did the topics discussed fall within one of the 14 exceptions that permit a closed meeting? Section 3- 305(a). (See also topic #5)

A. PERSONNEL: SECTION 3-305(B)(1)

1. Within exception, discussion of:

Alleged mishandling of funds by employee	5	.....	42
Appointment of town treasurer	3	.....03-11	.....307
Compensation for five individuals, related to specific facts about each individual	4	.....	38
Creation of new position linked to a specific employee	1	.....94-5	.....73

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Evaluation of legal counsel's performance	7		125
Discussion/appointment of specific individuals	2	99-4	43
	3	02-12	227
	7		125
	7		142
	7		216
	7		225
Hiring of/contract for specific individual	1	94-5	73
	8		150
	9		167
Interviewing prospective lobbyist	7		131
Job description and employment status of town manager	1	92-1	1
Job status of particular employees under other entity's jurisdiction	4		188
Legal services proposal	7		125
Licensing of specific employee	1	94-5	73
Offer to job applicant	3	02-1	171
Performance of County Attorney	7		125
Performance of contractor's individual employees, only if public body may terminate the individual's employment	9		132
Raises and promotions for specific employees	1	94-5	73
Review of city manager's performance	6		104
School superintendent's change of duties	1	95-5	123
School superintendent's contract	3	03-4	264
Selection of recipients of honorary degrees	8		166

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Severance benefits for specific employees	7	.....	49
Status of specific county employees if transferred to city	1	.....93-11	53
 2. Outside exception, discussion of:			
Attendance at a reception and meeting	1	.....94-5	73
Budgetary impact of rising gas prices	5	.....	42
Candidates for appointments to board	8	.....	120
Charter amendment to address mayoral powers	9	.....	57
Department audit	6	.....	92
Department responsibilities	7	.....	225
Discussions of county department consolidation, severance packages, layoff timing, and alternative options	6	.....	180
Elimination of county agency	7	.....	49
Elimination of position	7	.....	216
Fringe benefits for a class of employees	1	.....94-5	73
Hiring classes of employees	3	.....00-15	67
Job description not involving particular employee	7	.....	125
Liquor service at an official dinner	1	.....94-5	73
Merging two purchasing departments	1	.....97-15	255
New position and pay increases for categories of employees	3	.....03-17	335
Outsourcing municipal/county services	6	.....	104
	7	.....	49
Pay adjustment policy	1	.....94-5	73

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Policy issues related to a town newsletter	2	99-4	43
Policies or actions affecting classes of employees	8		86
Procurement of call forwarding service (check)	1	94-5	73
Proposed annexation	5		42
Reclassification of employees not involving information on specific employee	7		131
Retention policy	1	94-5	73
Sheriff's appointees to sheriff's advisory committee not involving discussion of individual county employees	7		112
Spaces at police academy	1	94-5	73
Staffing needs, generally	9		132
Vendor's performance of services contract	9		132

B. PRIVATE INFORMATION ABOUT INDIVIDUALS: Section 3-305(b)(2)

Applicable only to confidential personal information	8		166
Applicable to discussion of personal history of candidates for public honor	9		71

C. PROPERTY ACQUISITION: Section 3-305(b)(3)

1. Within exception, discussion of:

Acquisition of agricultural easement	7		225
Acquisition of property from public entity	7		274

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Acquisition of property for school by committee of board employees	7		274
Possible acquisition of a portion of property for public parking	2	99-16	80
Possible acquisition of property by lease, for public use	5		10
	9		160
Public purpose aspects of acquisition	5		172
School board re-acquisition of site	7		274
2. Outside exception, discussion of:			
Use of property owned by the public body	7		208
	9		29
Transfer, sale, or lease of real property to another entity	6		35
	7		208
	7		216
	7		245
	9		71
Property acquisition if public body lacks power to acquire property under discussion	1	97-8	233
Sale of vehicles and acquisition of new ones	1	94-5	73
D. PROPOSAL FOR BUSINESS RELOCATION: Section 3-305(b)(4)			
1. Within exception			
Business proposals to relocate, when confidentiality needed	9		46
Consideration of sale of land within county-owned business park	5		72

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Discussion of collateral matters expected to be addressed in evaluating business proposal	6		192
Discussion of financial incentives for specific business entity	7		148
Discussion of negotiation with business considering location in the county	8		99
Discussion of retention of business in the County	7		225
Lease of governmental controlled property to private entity	5		86
Proposal by business entity to move from one site to another in Maryland	1	93-3	28
	2	99-16	80
2. Outside Exception			
Discussion of already-public facts about a known site	9		15
Discussion of zoning change	7		148
Discussion of legislation	7		148
	9		15
Public university's relocated facility: outside exception	2	99-8	56
E. INVESTMENT OF PUBLIC FUNDS: Section 3-305(b)(5)			
Preliminary discussion of possible project for Revenue Authority support: no opinion possible	4		114
Discussion of corporate governance of corporation owned by public body	7		195
Discussion of donation to another entity	7		195

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
F. MARKETING OF PUBLIC SECURITIES: Section 3-305(b)(6)			
Legislation on taxing district boundaries: outside the exception	9		<u>15</u>
G. LEGAL ADVICE: Section 3-305(b)(7)			
1. Generally			
Bona fide expectation of need for legal advice justifies use of exception even if discussion obviates need for advice	5		<u>172</u>
Applicable when counsel is also member of staff so long as legal advice was given	8		<u>1</u>
Applicable to public body's receipt of advice but not to deliberations on policy matters	8		<u>38</u>
Existence of attorney-client privilege not a prerequisite to reliance on exception	5		<u>33</u>
Initiation by counsel where public body aware of general subject matters permissible	6		<u>127</u>
2. Within exception			
Advice effectively determining public body's decisions	1	96-6	<u>169</u>
	1	96-7	<u>172</u>
Advice on advertisement on municipality's buses	5		<u>146</u>
Advice on compliance with charter	9		<u>83</u>
Advice on councilmanic authority regarding committee assignments	7		<u>142</u>
Advice on employment law regarding terminations	7		<u>49</u>
Advice on individual compliance with ethics law	1	92-1	<u>1</u>
Advice on lease/lack of a lease	4		<u>161</u>

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	7		245
	5		160
Advice on public body's response to ethics commission inquiry	9		156
Contract extension	5		177
Discussion with lawyers and lobbyists about advancing position already adopted publicly	9		127
	9		167
Discussion with in-house counsel about advice of counsel not present at the session	7		58
Discussion with counsel regarding potential settlement of claims	3	02-13	233
	7		36
	8		42
	8		8
Discussion with lawyer with whom the public body has formed an attorney-client relationship	8		161
Elimination of agency – consulting counsel regarding employment law matters	7		49
Fact that issue discussed with counsel earlier or lack of litigation not determinative	6		77
	6		127
Lease provisions	4		161
Legal consequences of providing quitclaim deed	6		35
Legal options for implementing already-made decision	9		78
Legal options for collecting already-authorized fee	9		44
Legal ramifications relating to negotiations with developer	5		130
Liability and related issues arising from possible agreement between town and private school over use of town park	3	03-8	293

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Participation by non-lawyer who supplies information pertinent to counsel's formulation of legal advice	1	92-1	1
Possible cancellation of contract	3	03-19	345
Presentation/Advice on compliance with open government laws	4		58
	4		114
	8		137
Zoning board's discussion with counsel about hearing requirements in a controversial matter	1	97-6	224
 3. Outside exception			
Discussion not attended by counsel	3	00-5	16
	8		86
	9		167
Instructions to counsel on how to proceed in negotiations with developer on public body's behalf	5		135
Policy deliberation or any other aspect of legislative process	1	95-11	145
	9		156
Pursuing the outsourcing of municipal services	6		104
Report from non-lawyer about counsel's advice; counsel must be present	1	93-6	35
	1	94-5	73
	1	94-7	96
	1	95-2	113
Request to counsel to draft legislation	7		148
Substantive decisions by public body as to content of contract	6		127
Topics beyond rendering of legal advice	1	92-1	1
	1	93-11	53
	1	95-2	113
	1	95-11	145

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	1	96-6	169
	1	97-1	201
	3	00-5	16
	6		151
	7		95
Topic with incidental legal ramifications	1	93-11	53

H. PENDING OR POTENTIAL LITIGATION: Section 3-305(b)(8)

1. Within exception

Effect of adoption of legislative findings on litigation	3	00-14	61
Discussion about status of settlement negotiations	8		42
Discussion of contract for litigation services in connection with lawsuit	8		8
Discussion of settlement possibility	8		8
Discussion of potential lawsuit	8		137
	9		44
	9		78
	9		99
Discussion with counsel and lobbyists about possible litigation to advance position already taken publicly	9		127
	9		167
Discussion with counsel re potential litigation arising from contract change	9		110
Hearing requirements in a controversial zoning matter	1	97-6	224
Litigation and delegation of settlement authority, in combination with §10-508(a)(7)	7		36

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Pending or potential litigation even if counsel is not present	1	94-5	73
Pending or potential litigation, including settlement options, whether public body would be plaintiff or defendant	1	94-1	56
2. Outside exception			
Citizen complaint to federal agency	3	02-13	233
Litigation not yet a concrete possibility	1	93-7	38
	1	97-9	237
Request to counsel to draft legislation	7		148
Underlying policy issue not directly related to litigation	1	94-1	56
Collateral issue not directly related to litigation	7		95
I. COLLECTIVE BARGAINING: Section 3-305(b)(9)			
1. Within exception			
Discussion between county commissioners and school board about funds available for potential contract	3	02-15	245
Discussion of collective bargaining negotiations when public body had statutory duty to review any agreement before the negotiating public party executed it	8		35
Discussion regarding whether to reopen negotiations	7		58
Negotiations with union	7		125
Proposed ratification of collective bargaining agreement	9		71
2. Outside Exception			
Discussion of existing collective bargaining agreements	4		104

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Discussion of whether to recognize a particular union or employee representative	7		112
J. PUBLIC SECURITY: Section 3-305(b)(10)			
1. Within exception, discussion of:			
Discussion of location of 911 center involving security issues	7		225
2. Outside exception, discussion of:			
Discussion of sheriff's appointees to advisory board not related to emergency plans or deployment of police	7		112
Procedures for handling petty cash	1	94-5	73
Use of property owned by public body	7		208
K. EXAMINATIONS: Section 3-305(b)(11)			
Discussion of electrician's examination, as part of process for obtaining a certificate of registration: within exception	1	92-4	13
L. CRIMINAL INVESTIGATION: Section 3-305(b)(12)			
Discussion of investigation in which public body has no role:	3	00-11	50
	5		42
M. OTHER LAW: Section 3-305(b)(13)			
Medical records laws	7		250
Preserving attorney-client privilege	1	94-5	73
Discussion of confidential financial information	8		137
Discussion of minutes sealed under the Open Meetings Act	9		160

N. PROCUREMENT: Section 3-305(b)(14)**1. Within exception, discussion of:**

Advantages / disadvantages of RFP for audit services	5 .....177
Naming rights, when done in competitive procurement process	9 .....71
Oral presentations by offerors	7 .....1
Procurement matter after bid opening but pre-award, when adverse effect of disclosure found	8 .....63
Presentations by potential vendors	7 .....1
Proposals to provide legal services	7 .....125 9 .....99
Sole source contract or contract modification only to the extent intertwined with a competitive procurement that would be adversely impacted by disclosure of the discussion	8 .....8 9 .....110
Strategy for project to be put out to bid	1 .....94-5 .....73
Vote to select particular developer	5126

2. Outside exception, discussion of:

Contracts not involving competitive process	9 .....160
Disposition of municipal property without competitive process: outside exception	4 .....76
Monetary offers to well owners	3 .....02-13 .....233
Negotiation strategy not involving competitive bidding or proposals	1 .....97-8 .....233

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Membership in athletic conference	8		137
Procurement procedures, generally	9		160
Sole-source contracts, change orders, task orders	9		132

END OF TOPIC #4

5. Before closing a meeting subject to the Act, did the public body make the written disclosures required by the Act and vote publicly to exclude the public? Section 3-305(d).

A. CLOSED SESSIONS

1. Generally

After-the-fact addition of reasons for closed session: violation	5		177
	9		15
Closed-session procedures, summarized	7		250
	8		182
Conducting closed session in separate room: permissible if public could observe the vote to close	5		105
Discretion as to those in attendance: held by the public body, if exercised with some apparent basis	6		171
Final action in closed session: whether permitted by Act [note: other laws might prohibit closed-session actions]	1	-94-5	73
	9		110
Impromptu hallway meeting: subject to all procedural requirements	1	93-1	20

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Written statement should reflect the elements of the exception claimed	8		63
Oral presentation at next open session about prior closed session: not required	3	03-18	340
Vote to select developer: permitted under the circumstances	5		26
 2. Practices in violation			
Citing non-existent exceptions	9		29
Discussing, in closed session, topics not disclosed on written statement	9		46
	9		57
	9		167
Discussing, in closed session, topics not within any exception	9		29
Failure to comply with Section 3-305(d)	3	00-6	24
	3	00-11	50
	3	01-18	115
	5		70
	5		136
	6		114
	7		186
	7		274
	8		137
Invoking exception not linked to anticipated discussion	3	03-19	345

B. CLOSED SESSION VOTE: Section 3-305(d)(1),(2).

1. Generally

Motion to close session: must be made by member of public body	3	02-8	209
Oral announcement of topics not to disguise the intended topics	9		57

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Vote to close must be held immediately preceding closed session	3	00-2	4
Vote to close must be held in open session	1	96-12	191
	1	97-1	201
	1	97-4	218
	2	99-13	74
	8		1
	8		86
	9		141
2. Practices permitted			
Vote at same meeting, shortly before closed session	3	03-4	264
	7		148
Open session in smaller room	5		105
If record reflects members present and any dissenting, voice vote permitted	6		23
Vote at same meeting, shortly before closed session	6		127
	7		148
Vote to close on the basis of a pre-prepared statement if still accurate	9		1
Vote during session open to the public not rendered invalid by fact no member of the public present	6		9
3. Practices in violation			
Failure to vote	3	02-2	173
	3	03-11	307
	7		186
Failure to vote in open session	8		46
	9		99

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to record vote	7		112
Passive assent without documentation	5		189
Permitted if individual votes are recorded	3	02-6	197
Vote at one meeting to close the next	1	94-5	73
	1	95-8	133
	5		160
	5		177
	5		184
	8		38
Voting without knowing the topics to be discussed	9		46

C. WRITTEN STATEMENT

1. Generally

Failure to prepare written statement before closing the meeting	7		225
	9		15
	9		29
Failure to provide information required by Act	7		216
Must be accurate and disclose all topics	9		167
Must be informative	7		216
	8		35
Must reflect exceptions/topics cited in oral motion to close	9		132
Posting on website not required	5		165
Practices in violation	8		1
Preparation before, not in, closed session	8		35
	7		112
	7		250

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Reason for closing to be specified when not apparent from the topic discussed	8		95
Request for copies for prior meetings	7		30
Request for copies governed by Public Information Act	7		30
Summary of closed session should meet elements of the exception claimed as basis for closing	8		182
Use of model form recommended, but not required	8		166
Statement to be completed by presiding officer or ratified by presiding officer's signature prior to closed session	7		216
	7		225
Topic description to establish applicability of claimed exception	7		225
2. Practices permitted			
Failure to post on Internet	5		165
Identifying topic but not discussing it in meeting	1	93-9	47
Inclusion of statement in agenda, if adopted (check)	4		46
Omitting identity of anticipated participants	1	93-9	47
Omitting identity of appointee	6		127
Omitting identity of third party proposing action under discussion	5		72
Omitting specification of "reason for closing" when clear from other parts of statement	4		188
Preserving confidential information	1	92-5	16
	1	93-2	23
	1	97-10	242
Reliance on written statement prepared by staff in advance if			

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
accurate at time of closure	6		77
Statements providing purpose of closed session, statutory, authority and description of topics to be discussed	6		121
Topic of discussion described briefly	5		165
Topic of discussion described in a single phrase rather than a series of items	4		188
3. Practices in violation			
Altering statement during closed session	5		105
Failure to cite correct basis for the closing	7		245
Failure to include information required by Act	6		96
	7		208
	9		46
Failure to prepare written statement	1	97-5	220
	3	00-3	8
	3	02-2	173
	3	02-13	233
	3	03-11	307
	5		86
	5		98
	5		139
	7		186
	7		112
	7		250
	8		86
	8		137
	8		150
	9		99
	9		110
	9		141
Failure to record a vote	7		112
Failure to timely disclose/provide to public on request	5		184
	9		46

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Omitting reason for closing	3	01-12	136
	4		46
	9		110
Omitting specific statutory cite	5		149
	7		36
Omitting topic to be discussed	1	92-1	1
	4		38
	7		36
	7		49
	7		131
Omitting topics that were then improperly discussed in closed session	7		131
Oral discussion of basis for closing session, later recorded in minutes	1	92-4	13
	1	92-5	16
Preparing written statement during or after closed session	3	00-2	4
	3	01-16	147
	7		112
	7		225
	7		250
	8		38
	9		57
Uninformative boilerplate/mere repetition of statutory authority	1	93-2	23
	1	96-12	191
	1	97-10	242
	1	97-11	245
	5		149
	5		160
	7		36
	7		131
	7		245
	3	01-6	101
	3	03-17	335
	4		114
	4		142

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	4	.....	161
	5	.....	14
	5	.....	33
	5	.....	149
	5	.....	160
	6	.....	77
	7	.....	112
	7	.....	245
	8	.....	99

D. POST-SESSION SUMMARY OF SESSION (see subject #6)

END OF TOPIC #5

6. Did the public body prepare and retain the meeting documents required by the Act? Sections 3-302(d), 3-306, 3-104

A. COPY OF NOTICE: Section 3-302(d) (See subject #2)

Not required: continuing to post cancellation notice on website past the date of the canceled meeting

[9151](#)

B. MINUTES: Section 3-306

1. Generally

Approval of minutes to be prompt

[7264](#)

Draft minutes not “minutes” until adopted

[784](#)

Failure to keep

[7274](#)

[992](#)

Level of detail required

[6164](#)

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	8		32
	8		122
	9		71
Method by which minutes are prepared, adopted, or amended, within public body's discretion	1	94-2	63
	9		71
	9		146
Minutes to be prepared "as soon as practicable"	8		150
	8		173
	8		176
	8		180
Minutes to be available to members of public, including those participating in litigation against public body	8		42
Need not include documents reviewed by the public body at the meeting	8		122
	9		71
Not required to reflect events which were not discussed or acted on in meeting	8		8
Request for minutes not to be treated as Public Information Act request	8		11
Posting on public body's website, not required	3	03-18	340
	6		187
	6		203
	7		225
	7		240
Preparation following all meetings, required	4		74
	4		120
	7		118
	7		237
Preparation following session without quorum, not required	5		1
Preparation via alternative method required when unusual			

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
circumstances preclude preparation through customary means	4	.....	24
Preparation within reasonable time, required	2	.....99-18	87
	6	.....	161
	6	.....	164
	7	.....	80
	7	.....	118
	7	.....	264
	8	.....	32
	8	.....	71
	8	.....	111
Public body that meets only periodically responsible for ensuring minutes available within reasonable time	6	.....	164
Public entitled to assume approved minutes accurate	6	.....	145
Request for copies as opposed to inspection, governed by PIA rather than OMA	7	.....	30
Recorded votes: when taken, minutes to reflect how each member voted	7	.....	237
Responsibility for preparation: ultimately the public body's	7	.....	10
Redaction generally not permitted	8	.....	63
Use of terms that the public can understand	9	.....	71
Tape recordings not required but if made, must be retained for at least one year	4	.....	74
Transmission by e-mail not required	8	.....	46
Violation by committee	7	.....	274
Voting, minutes to disclose how each member votes when a recorded vote is required	7	.....	237
When prompt adoption of minutes is impracticable through no fault of the public body, public body should provide meeting information in another form	8	.....	173

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
	8		180
When timely adoption of minutes in a meeting is impracticable through no fault of the public body, public body should adopt them by a different method	8		176
2. Practices permitted			
Atypical, brief delay in availability of minutes attributable to unusual workload	6		47
Delay in approval of closed session minutes	4		1
	7		8
	7		237
Disclosing minutes of a meeting closed to discuss a specific personnel matter	2	98-4	16
Posting on website not required	7		225
Preparing in time of the public body's next regularly scheduled meeting	1	95-3	117
	9		110
Preparation time beyond 10 days after meeting	3	01-3	85
	7		237
Preparation time of five weeks	3	03-18	340
Taking a reasonable amount of time to review draft minutes for accuracy and approve them	2	98-3	11
	2	99-18	87
Producing handwritten minutes	7		121
Prohibiting inspection of draft, unapproved minutes	2	98-3	11
Relatively brief delays in preparing minutes, attributable to staffing constraints	2	99-19	92
3. Practices in violation [see also topics C and D, below]			
Failure to approve minutes of closed sessions	5		105

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to approve minutes without undue delay	3	01-5	96
	4		1
	5		14
	6		118
	7		8
	7		80
	7		83
	7		121
	9		1
Failure to prepare for meeting limited to procedural matters only	5		50
Failure to prepare minutes	5		50
	5		70
	5		98
	5		105
	5		182
	7		274
	7		15
	7		42
	7		121
Failure to prepare written minutes when recording equipment malfunctioned	7		95
Failure to produce	6		203
	7		80
	7		83
	7		274
Failure to review and approve minutes	3	00-3	8
	3	03-10	303
	4		120
	6		47
	6		187
	7		83
	7		121
Failure to timely disclose	5		184

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Lag time of nearly 4 months in approving minutes	6		85
Lag time of 7 months in approving minutes	7		80
Requiring member of public to submit written request for open session minutes	3	01-3	85
	5		14
Redaction	7		64
Treating minutes request made in person as a Public Information Act request	8	27	27
C. CONTENTS OF MINUTES OF OPEN SESSIONS [see also topic D]			
1. Practices permitted			
Brief description of required elements	4		46
Omitting confidential information from summary of topics discussed and actions taken at closed session	1	95-1	110
	2	98-5	18
Transcript disclosure as minutes	1	96-4	162
	7		118
	7		186
Transcript not required	6		110
2. Practices in violation			
Action and votes taken, failure to include	3	01-19	164
Administrative function disclosure, no detail beyond “administrative matters”	6		96
Boilerplate reference to statutory exception in summary of closed session	7		208

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Dissenting votes, failure to include	1	96-2	155
Failure to include in open session minutes the actions that were taken in closed session but should have been taken in open session	7		148
Failure to identify persons present	7		225
Final written report of a committee not a substitute	7		118
Inadequate description of closed session topic	7		112
Information about topics discussed, failure to include	1	95-1	110
	2	98-5	18
Item of business conducted, failure to include	1	94-2	63
Required elements, failure to include	3	00-3	8
	3	01-5	96
	3	02-13	233
Tape recording disclosure in lieu of minutes	2	99-18	87

D. IN OPEN SESSION MINUTES, SUMMARY OF PRIOR CLOSED SESSION

1. Generally

Failure to provide information required by Act	8	182
Disclosure of topics not discussed advisable when the meeting was closed in part to discuss them	8	95
Minutes to contain meaningful summary of prior closed session	7	225
	7	250
Summary not required for administrative function meeting Held separately, not during recess of open session	9	160

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Timeliness of adoption	7	.....	264
Meeting recessed for closed session under administrative function exclusion – Required disclosures	6	.....	171
Must describe items considered in enough detail to convey the issue discussed	8	.....1	1
Must include the three items specified by the Act	8	.....1	1
Preparation and adoption within reasonable time required	8	.....	111
Summary of closed-session actions to be provided in minutes of next open session	7	.....	264
Summary should be in plain language that the public can understand	9	.....	132
Summary should meet elements of the exception claimed as a basic for closing	8	.....	182
	8	.....	137
Written statement prepared before closing meeting and subsequent disclosure in minutes: 2 distinct requirements	5	.....	165
Omission of functions of each non-member attendee	8	.....	63
2. Practices permitted			
Preserving the confidentiality that justified the closed session	1	.....92-5	16
	1	.....94-5	73
	1	.....95-1	110
Protecting identity of business considering relocation	2	.....99-9	60
Not specifying vote to adjourn	8	.....	137
Not listing how each member voted on action taken in closed session	8	.....	137
Not disclosing names of individual personnel discussed in			

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
meeting closed for that purpose	8		182
Not disclosing real property discussed in meeting closed to discuss the acquisition of that property	8		182
3. Practices in violation			
Changing justification for closed session	5		177
Failure to adopt summary as part of minutes	9		160
Failure to cite authority for closing a session or to list the topic of discussion and the persons present	1	94-2	63
Failure to identify attendees and to provide other required information	1	94-3	67
	3	02-15	245
	6		1
	6		9
	7		5
	7		8
	7		225
	7		250
	8		8
Failure to identify certain attendees involved in business location discussion even by generic description	5		86
Failure to disclose actions improperly taken in closed session	7		148
Failure to include description of any action taken during closed session	4		38
Failure to include specific statutory authority for closing a session	1	94-5	73
	6		23
	7		36
Failure to prepare minutes of closed sessions or disclose summary about closed sessions	3	03-20	352
	5		98
Failure to report required information as single item	6		127

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to include any summary of closed session	8	.....	86
	9	.....	151
Substituting “final report” that does not report on meeting on timely basis	7	.....	118
Inadequate description/information	3	.....02-2	173
	4	.....	76
	4	.....	114
	5	.....	139
	5	.....	165
	5	.....	189
	6	.....	1
	6	.....	96
	6	.....	171
	7	.....	5
	7	.....	8
	7	.....	112
	7	.....	115
	7	.....	125
	7	.....	140
	7	.....	208
	8	.....99	99
Reusing written statement prepared prior to closing session	3	.....02-7	202
Failure to identify attendees whose presence was not confidential	8	.....	137

E. CLOSED-SESSION MINUTES: Section 3-306(c)

Access to sealed minutes by individual member of public body in public body’s discretion	5	.....	105
Closed session minutes to contain meaningful information	7	.....	245
Belated adoption of closed session minutes not a substantial violation, as public is not entitled to inspect them	8	.....	176
Failure to adopt: violation	9	.....	127
	9	.....	156

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Methods of adopting, generally	9		160
Sealing and unsealing	7		195
Written closing statement made before closed session: not a substitute	9		127

END OF TOPIC #6

7. What is the role of the Compliance Board with regard to complaints? Sections 3-204 through 211; 3-213

A. GENERALLY

Minutes of closed sessions considered by public body as sealed – obligation to treat as confidential	6		192
	9		44
Request for penalty, not within Board’s authority	8		1
Written statement for closing a meeting to be provided to Board when member of the public objects immediately to closed session	9		46

B. COMPLAINT

Complaints to be based on good-faith belief, after reasonable inquiry into the facts, that Act was violated	3	01-14	143
	8		99
	8		170
Dismissal when allegations, taken as true, do not state violation of Act/do not involve public body	8		170
	9		53
	9		55
	9		81
Complaint must identify public body	6		171
Complaint should be limited to requirements of the Act	6		127
	8		73

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Limitations period of 45 days inapplicable	3	03-20	352
Neither party possesses burden of proof	6		77
Public body no longer in existence: complaint dismissed [<i>superseded by amendment to Act at § 3-206(c)</i>]	4		111
Sufficient detail if public body can identify meeting and allegations	6		69
	6		74
C. LIMITS OF BOARD’S AUTHORITY			
Act does not govern access to records not required under provisions of the Act	6		57
No authority to address complaint that a certain constituency was not represented on committee or given notice of contemplated action	7		274
No authority to address public body’s decision on soliciting input from public	8		170
No authority to address member’s disclosure of information about closed session	2	99-14	77
	7		142
No authority to enforce the Act:	1	95-2	113
	1	97-1	201
	7		142
No authority to interpret judicial review provision:	4		186
No authority to interpret quorum provision of municipal charter	4		6
No authority to compel production of document	8		42
No authority to address Public Information Act requests	7		284

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Open Meetings Act issues only	2	99-14	77
	3	01-14	143
	3	01-15	145
	5		1
	6		164
	7		101
	7		186
	7		274
	7		284
	8		73
	8		63
	9		146
Public body's distribution of opinions to members not governed by Act <i>[superseded by amendment to Act at § 3-211]</i>	8		71
Public access to recordings of meetings governed by Public Information Act, rather than Open Meetings Act	6		164
D. OPINIONS			
Alleged violations of other laws: not addressed	2	98-1	1
	2	98-6	21
	2	98-9	31
	2	99-6	49
Disputes of fact: not resolved	1	94-1	56
	1	94-8	101
	2	99-4	43
	2	99-13	74
	2	99-16	80
	3	01-12	136
	7		56
	8		115
	8		122
	9		156
Inability to gather and resolve facts regarding whether private corporation owned by public body is de facto public body	7		195
Insufficient information about nature of meetings: no opinion issued	3	01-13	140

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
No need to consider applicability of exceptions that the public body did not cite before it met in closed session	9		132
Opinion deferred pending resolution of circuit court action	7		89
Public body's exercise of discretion whether to invoke exceptions: not addressed	4		58
Public body's summary of discussion at closed session: presumed accurate absent evidence to the contrary	4		104
Reconsideration of prior opinion – standards	3	03-1	255
	7		92
Inability to gather and determine the facts needed for resolution of complaint	7		195
Reconsideration of prior opinion - standards	8		71
E. RESPONSE TO COMPLAINT			
Exception not cited by public body in written statement before closed session: may not asserted subsequently as justification for closing session	1	93-11	53
	1	94-5	73
	1	94-7	96
	4		104
Public body's response that does not provide information on the statutory criteria at issue: inadequate	8		8
Conflicting inferences: cannot be resolved	8		166
Failure to provide requested materials: violation	3	03-20	352
	5		14
Failure to respond: violation	3	00-1	1
	4		186
	5		1
	7		64

TOPIC/SUBTOPIC	VOL.	OPN.	PAGE
Failure to respond in a timely manner: violation	6	.....	203
Response found not to be misleading: no violation found	9	.....	132
Response required of each public body alleged to have violated the Act	8	.....	166
F. ANNOUNCEMENT OF VIOLATION			
Announcement sufficient; advisable to record in minutes	9	.....	132
G. TRAINING REQUIREMENT			
[no opinions]			

[End of topic #7 and index]